

CIVIL COVER SHEET

APPENDIX H

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Jack Gorman, DPM (b) County of Residence of First Listed Plaintiff <u>Bucks</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) Thomas F. Sacchetta, Esquire, Sacchetta & Baldino, 308 East Second Street, Media, PA 19063, (610) 891-9212	DEFENDANTS Allen Jacobs, DPM County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) _____
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) <table style="width:100%;"> <tr> <th style="text-align: left;">PTF</th> <th style="text-align: center;">X</th> <th style="text-align: center;">1</th> <th style="text-align: center;">DEF</th> <th style="text-align: center;">1</th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td></td> <td></td> <td><input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State</td> <td></td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td></td> <td><input type="checkbox"/> 2</td> <td><input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State</td> <td></td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td></td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3 Foreign Nation</td> <td></td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	PTF	X	1	DEF	1	PTF	DEF	Citizen of This State			<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State		<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State		<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State		<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country		<input type="checkbox"/> 3	<input type="checkbox"/> 3 Foreign Nation		<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)	
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition
FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	

V. ORIGIN (Place an "X" in One Box Only) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) _____ <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Diversity Brief description of cause: _____
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VII. REQUESTED IN COMPLAINT: <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ In excess of 75,000 CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____
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DATE _____	SIGNATURE OF ATTORNEY OF RECORD /s/ Thomas F. Sacchetta, Esquire
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FOR OFFICE USE ONLY

RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____
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FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 399 North York Road, Warminster, PA 18974

Address of Defendant: 6150 Oakland Avenue, St. Louis, MO 63139

Place of Accident, Incident or Transaction: Commonwealth of Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. *Diversity Jurisdiction Cases:*

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify) Defamation
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Thomas F. Sacchetta, Esquire, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Thomas F. Sacchetta, Esquire
Attorney-at-Law

46834

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____

Thomas F. Sacchetta, Esquire
Attorney-at-Law

46834

Attorney I.D.#

APPENDIX I

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

JACK GORMAN, DPM	:	CIVIL ACTION
	:	
v.	:	
	:	
ALLEN JACOBS, DPM	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

	/s/ Thomas F. Sacchetta	plaintiff
Date	Attorney-at-law	Attorney for
	(610) 891-7190	tom@sbattonney.com
Telephone	FAX Number	E-Mail Address

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JACK GORMAN, DPM
399 North York Road
Warminster, PA 18974

Plaintiff

v.

ALLEN JACOBS, DPM
6150 Oakland Avenue
St. Louis, MO 63139

Defendant

CIVIL ACTION COMPLAINT
DEFAMATION

AND NOW, comes the plaintiff, Jack Gorman, DPM, by and through his attorney,
Thomas F. Sacchetta, Esquire, and respectfully represents as follows:

JURISDICTIONAL STATEMENT

1. This court has jurisdiction as the amount in controversy exceeds Seventy-five Thousand (\$75,000.00) Dollars, exclusive of interest and costs, and the defendant is of diverse citizenship. Plaintiff is a citizen of the Commonwealth of Pennsylvania and defendant is a citizen of the State of Missouri. The subject incident, out of which this claim arises, occurred in Pennsylvania.

PARTIES

2. Plaintiff, Jack Gorman, DPM, is an adult individual and a citizen of the Commonwealth of Pennsylvania with an address located at 399 North York Road, Warminster, Pennsylvania 18974. At all times relevant hereto, Jack Gorman, DPM has been a private figure.

3. Defendant, Allen Jacobs, DPM, is an adult individual and a citizen of the State of

Missouri with an address located at 6150 Oakland Avenue, St. Louis, Missouri 63139 and is the publisher of the defamatory statements giving rise to this action.

VENUE

4. Defendant has caused harm and tortious injury by his acts in the Commonwealth, to wit, by publishing and disseminating defamatory statements in Pennsylvania and by other conduct which occurred in Pennsylvania.

5. Venue is proper in the U.S. District Court for the Eastern District of Pennsylvania inasmuch as the transaction or occurrence out of which plaintiff's cause of action arises, to wit, the defendant's publication and dissemination of false and defamatory statements about Jack Gorman, DPM, took place in Pennsylvania.

FACTS

6. This is an action for defamation and related claims arising out of false and defamatory statements published by defendant, Allen Jacobs, DPM, on September 3, 2007 by way of "PM News". The statements published by defendant assert the following: "Once the 'experts' such as Drs. Gorman, Boc, etc. are cited for the failure to provide truthful testimony, they will be finished as experts, as every subsequent deposition and courtroom testimony will include a history of being cited for untruthful testimony. In addition, there is always the possibility of loss of ACFAS fellowship status or better yet, ABPS diplomate status for unethical behavior. Even a letter of condemnation or warning from such organizations would provide the jury with a true picture of the 'expert'."

7. The statements imply, among other things, that plaintiff was willing to travel anywhere and say anything to support frivolous claims in court and under testimony and subject

to perjury and is unethical in his behavior. These statements were false and were made by defendant negligently, recklessly and/or with constitutional malice and an intent to harm plaintiff. As a result of the publication of these false and defamatory statements, plaintiff's reputation and good name have been harmed and he has suffered other damage. Plaintiff seeks compensatory and punitive damages from the defendant.

8. Jack Gorman, DPM, is a licensed podiatrist licensed to practice podiatry in the Commonwealth of Pennsylvania. On or about September 3, 2007, defendant published the following: "Once the 'experts' such as Drs. Gorman, Boc, etc. are cited for the failure to provide truthful testimony, they will be finished as experts, as every subsequent deposition and courtroom testimony will include a history of being cited for untruthful testimony. In addition, there is always the possibility of loss of ACFAS fellowship status or better yet, ABPS diplomate status for unethical behavior. Even a letter of condemnation or warning from such organizations would provide the jury with a true picture of the 'expert'." A copy of the commentary is attached hereto and marked as Exhibit "A".

COUNT I

Plaintiff, Jack Gorman, DPM v. Allen Jacobs, DPM

INTENTIONAL DEFAMATION

9. The averments of paragraphs 1 through 8, inclusive, are incorporated by reference as though fully set forth herein.

10. Defendant, Allen Jacobs, DPM, maliciously published and disseminated false and defamatory statements, assertions, suggestions, innuendoes and/or implications that, "Once the 'experts' such as Drs. Gorman, Boc, etc. are cited for the failure to provide truthful testimony,

they will be finished as experts, as every subsequent deposition and courtroom testimony will include a history of being cited for untruthful testimony. In addition, there is always the possibility of loss of ACFAS fellowship status or better yet, ABPS diplomate status for unethical behavior. Even a letter of condemnation or warning from such organizations would provide the jury with a true picture of the 'expert'."

11. The above statements, assertions, suggestions, innuendoes and/or implications maliciously and falsely state, imply and suggest as a fact, directly and by innuendo and inference that plaintiff acted criminally, unethically and/or improperly.

12. The above statements, assertions, suggestions, innuendoes and/or implications are false and were made by defendant maliciously and with knowledge of their falsity and/or with reckless disregard as to their truth or falsity.

13. The defendant aforementioned false and defamatory statements, assertions, suggestion, innuendoes and/or implications are false, defamatory and libelous *per se* in that they attribute immoral, unethical, improper and illegal conduct to the plaintiff, and further were made by defendant maliciously and with knowledge of their falsity and/or with reckless disregard as to their truth or falsity.

14. The aforementioned defamatory statements by defendant about plaintiff were published in the "PM News" a podiatrist news letter serving over 9,500 podiatrists daily.

HARM

15. The above mentioned false and defamatory statements, assertions, suggestions, innuendoes and implications about plaintiff have blackened plaintiff's reputation in his community, including the podiatrist community. Defendant, Allen Jacobs, DPM, has exposed

plaintiff to public hatred, contempt and ridicule. Defendant, Allen Jacobs, DPM, has falsely ascribed to plaintiff improper, immoral and illegal conduct, as well as (i) criminal behavior and (ii) a lack of decency, integrity and responsibility. As a result of the publication of these false and defamatory statements, plaintiff's reputation and good name have been harmed, he has been subjected to public hatred, contempt and ridicule and he has suffered other damage.

16. The false and defamatory statements, assertions, suggestions, innuendoes and implications published by defendant about plaintiff were published with knowledge of their falsity and/or with a malicious, intentional or reckless disregard for their truth or falsity, and with a malicious, intentional or reckless disregard for the injury which said statements, assertions, suggestions, innuendoes and implications would inflict on the good name and reputation of plaintiff.

17. Plaintiff is entitled to recover such damages as will compensate him for injury to his reputation as well as the embarrassment, humiliation and emotional distress resulting from the defendant's statements, assertions, suggestions, innuendoes and implications.

18. Defendant, Allen Jacobs, DPM's malicious publication of the false and defamatory statements, assertions, suggestions, innuendoes and implications warrants an award of punitive or exemplary damages because defendant's conduct is in reckless disregard of plaintiff's interests and was malicious, outrageous and the result of improper motive.

19. Plaintiff is entitled to recover an award of punitive or exemplary damages as a result of the defendant's outrageous conduct and for the purpose of punishing defendant for malicious defamation and deterring him and others from the repetition of similar defamation in the future.

WHEREFORE, plaintiff, Jack Gorman, DPM, demands judgment in his favor and against defendant, Allen Jacobs, DPM, and requests an award of compensatory damages in excess of Seventy-Five Thousand (\$75,000.00) Dollars, plus interest and costs, and further requests an award of punitive damages.

COUNT II

Plaintiff, Jack Gorman, DPM v. Defendant, Allen Jacobs, DPM

NEGLIGENT DEFAMATION

20. The averments of paragraphs 1 through 19, inclusive, are incorporated by reference as though set forth fully herein.

21. The above-mentioned statements, assertions, suggestions, innuendoes and/or implications are false and were made by defendant negligently, in that if the defendant had any source for the defamatory statements in the letter, defendant relied on a source who lacked any knowledge of the subject matter contained in the letter, and defendant failed to ascertain the basis of the source's alleged knowledge of the information contained in the letter.

WHEREFORE, plaintiff, Jack Gorman, DPM, demands judgment in his favor and against defendant, Allen Jacobs, DPM, and requests an award of compensatory damages in excess of Seventy-Five Thousand (\$75,000.00) Dollars, plus interest and costs, and further requests an award of punitive damages.

COUNT III

Plaintiff, Jack Gorman, DPM v. Defendant, Allen Jacobs, DPM

FALSE LIGHT - INVASION OF PRIVACY

22. The averments of paragraphs 1 through 21, inclusive, are incorporated by reference as though set forth fully herein.

23. By the false, malicious, defamatory and libelous statements which have been set forth above, the defendant improperly depicted Jack Gorman, DPM, in a false public light.

24. Defendants statements, assertions, suggestions, innuendoes and implications regarding plaintiff have put plaintiff before the public in a false light that would be highly offensive to a reasonable person.

25. As a result of defendant statements, assertions, suggestions, innuendoes and implications, the defendant created the totally false impression that (i) plaintiff is unethical, untrustworthy, irrational, immoral and dishonest, and (ii) plaintiff has abused his position.

26. As a result of the depiction by defendant of plaintiff in a false public light, plaintiff has suffered and continues to suffer all the injuries, damages and losses set forth above and incorporated herein by reference.

27. The false depiction by defendant of plaintiff was so extreme and outrageous as to warrant the imposition of punitive damages.

WHEREFORE, plaintiff, Jack Gorman, DPM, demands judgment in his favor and against defendant, Allen Jacobs, DPM, and requests an award of compensatory damages in excess of Seventy-Five Thousand (\$75,000.00) Dollars, plus interest and costs, and further requests an award of punitive damages.

COUNT IV

Plaintiff, Jack Gorman, DPM v. Defendant, Allen Jacobs, DPM

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

28. The averments of paragraphs 1 through 27, inclusive, are incorporated by reference as though set forth fully herein.

29. Defendant, Allen Jacobs, DPM, by his extreme and outrageous conduct has intentionally and/or recklessly caused severe emotional distress to Plaintiff.

WHEREFORE, plaintiff, Jack Gorman, DPM, demands judgment in his favor and against defendant, Allen Jacobs, DPM, and requests an award of compensatory damages in excess of Seventy-Five Thousand (\$75,000.00) Dollars, plus interest and costs, and further requests an award of punitive damages.

COUNT V

Plaintiff, Jack Gorman, DPM v. Defendant, Allen Jacobs, DPM

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

30. The averments of paragraphs 1 through 29, inclusive, are incorporated by reference as though set forth fully herein.

31. Defendant, Allen Jacobs, DPM, by his above referenced conduct, negligently caused severe emotional distress to plaintiff.

WHEREFORE, plaintiff, Jack Gorman, DPM, demands judgment in his favor and against defendant, Allen Jacobs, DPM, and requests an award of compensatory damages in excess of

Seventy-Five Thousand (\$75,000.00) Dollars, plus interest and costs, and further requests an award of punitive damages.

/s/ Thomas F. Sacchetta, Esquire
THOMAS F. SACCHETTA, ESQUIRE
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Media, PA 19063
(610) 891-9212
Attorney for plaintiff